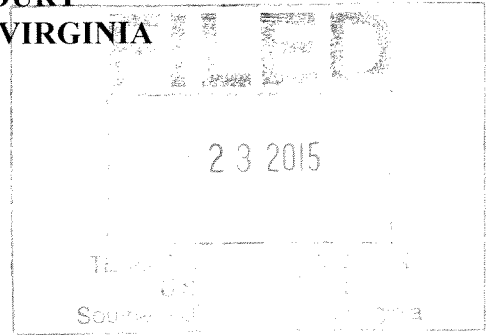


**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**



UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:14-cr-00111

SCOTT E. ELLIS,

Defendant.

**EXHIBIT LIST**

<b>Gov't No.</b>	<b>Def't No.</b>	<b>Date Identified</b>	<b>Date Admitted</b>	<b>Description</b>	<b>Location*</b>
	1	4-22-15	4-22-15	letters on behalf of the Defendant	Clerk

\*Location options: Clerk; U.S. Atty; U.S. Marshal; Pl. Atty; Def. Atty; agency

# **BAILEY GLASSER LLP**

209 Capitol Street  
Charleston, WV 25301  
Tel: 304.345.6555  
Toll Free: 877.852.0342  
Fax: 304.342.1110

**Michael B. Hissam**  
[mhissam@baileyglasser.com](mailto:mhissam@baileyglasser.com)

April 15, 2015

## **Via Hand Delivery**

Honorable Thomas E. Johnston  
United States District Court  
Robert C. Byrd United States Courthouse  
300 Virginia Street East  
Charleston, West Virginia 25301

Re: *United States v. Scott Ellis* (Criminal No. 2:14-00111)

Dear Judge Johnston:

Please find enclosed ten sentencing letters being submitted on behalf of Defendant Scott Ellis. Mr. Ellis is scheduled to be sentenced by the Court on April 22, 2015. By this letter, I am also providing a copy of these letters to Probation and to counsel for the United States.

Please let me know if you have any questions regarding this matter.

Sincerely,



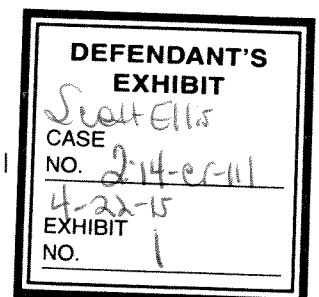
Michael B. Hissam

MBH/md

Enclosures

cc: Michele Jones (via email)  
Meredith George Thomas, Esq. (via email)

Alabama Delaware Illinois Massachusetts New Jersey New York Washington, D.C. West Virginia |



Gary Lee Corns  
285 Riverside Drive  
Logan, WV 25601  
304-752-5537  
[glcorns@hotmail.com](mailto:glcorns@hotmail.com)

The Honorable Thomas E. Johnston, Judge  
6610 Robert C. Byrd United States Courthouse  
300 Virginia Street East  
Charleston, WV 25301

RE: Scott Ellis

Your Honor:

I am Gary Lee Corns, brother-in-law to Scott Ellis of Holden, West Virginia. I'm writing to lend my support for any leniency the court may provide on Scott's behalf. In many ways, unknown by most, Scott has been a very kind and thoughtful person to numerous people. Any mercy the court may show will, in my opinion, be reflected in Scott's life to the benefit of others.

Scott is married to Kim, my wife's sister. We've known one another for more than twenty years and I cannot recall a single occasion when Scott has behaved in an unkind manner toward anyone. I have watched Scott allow others to take advantage of him without so much as a word of protest. No doubt, this demeanor can be a weakness that hasn't always served him well. Nonetheless, I make reference to it because I hope to offer my impressions of Scott to the Court for consideration in his sentencing. Simply put, I don't see Scott as a danger to anyone. Furthermore, I don't believe time in prison would help to reform the kinds of character weaknesses he exhibits.

In closing, I would hope the Court would show mercy on Scott, his wife and two teenage daughters by commuting or reducing his sentence.

Thank you for your prayerful consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Lee Corns", with a long, sweeping horizontal line extending to the right.

Gary Lee Corns

Charles L. Childers  
P. O. Box 1025, Logan, West Virginia 25601  
October 7, 2014

TO WHOM IT MAY CONCERN:

I am writing this letter in regards to Mr. Scott Edward Ellis, who is not only a close personal friend, but someone I consider a brother.

Scott and I became friends when we started kindergarten at Verdunville Grade School. We spent countless weekends at each other's homes, riding motorcycles and hunting, just being typical West Virginia boys. We also played football on the same Midget League team and became as close as two boys could be. With that being said, I'm sure you would agree I would be one of few who knows Scott on a very personal level. I also was best man in his wedding, and know his wife and two teen-age daughters well.

Scott was a good kid growing up; he never ever messed with drugs to my knowledge and drank very little. He actually could have turned out very differently; you see, his biological Father was a tough man, who more times than not, handled most situations with his fists. Scott's Dad was a Green Beret who served two tours of duty in Viet Nam and was a very aggressive soul. And Scott loved him dearly. But his Mother and Dad divorced and he wasn't a very big part of Scott's life anymore. At that point in time, Scott could have gone many different directions in his life, but he chose the good road when it would have been just as easy to fall into his Dad's footsteps and live life on the wrong side of God. But he didn't. He chose to do good for those that he could, and did do good for countless people, paying electric bills for his employees who just couldn't make enough, or had too many kids, helping churches by buying food at their hot dog sales, and giving money every time someone was in the road with their hat or hand out. He even tried to pay for Lasik surgery for me because I am legally blind without my contact lenses. I could write three pages of the good that he has done, that I myself have been witness to, not to mention what I don't know about, and I'm sure there's plenty I don't know.

**The trouble Scott is in is not of his own choosing. I witnessed myself Steve Herndon extort and blackmail Scott into doing his (Steve's) bidding, always with the threat that "he would cut off the work from Arch Coal" and basically starve Tri-State Mine Service into closing.**

Herndon knew that Tri-State had only one account, Mountain Laurel Coal, and Scott was so intimidated by "The Mountain Laurel Three" that he was afraid to try to get any other accounts because they would find out and hurt his business by "word of mouth". Then, Herndon extorted and blackmailed his way into TRI-STATE by threat that "he would shut him down" and his relationship with all the "high-ups" at Arch Coal (where he was a former employee). Herndon did nothing but profit from his illegal acts of greed while at Tri-State and tried his best to bankrupt Scott in the meantime.

AND if it had not been for David Runyon and Steve Herndon, Scott Ellis would never have put himself in the position he is now in; but they saw weakness, acted on it, costing countless employees their jobs, and changing Scott's life and the lives of his wife and two children forever, with no regard or regret.

In closing, I would like to say that I sincerely hope and pray that you have not just read my words, but have really taken to heart the kind of man I know Scott Ellis really is. He is a kind, compassionate person who has helped countless people when they had no one else to help them, without asking what he would get in return. I'm sure that had it not been for Dave Runyon, Steve Herndon, and a few more at Arch Coal's Mountain Laurel Complex, this letter would not be needed, because Scott Ellis would never have traveled down this road on his own, and only out of fear for his family, his employees and their families doing without, did he do what he has already admitted to. It is my prayer that you can take that into consideration when giving him his punishment because everyone close to him will be greatly affected as we all have already been.

With my sincerest appreciation for your consideration in this matter,  
I am

Very truly yours,

A handwritten signature in cursive script that reads "Charles L. Childers".

Charles L. Childers

CLC:jfc

Stephanie M. Preston  
P.O. Box 372  
Stollings, West Virginia 25646-0372  
304-310-4460  
prestonism@gmail.com



AUGUST 25, 2014

**The Honorable Thomas E. Johnston**

300 Virginia Street East  
Charleston, West Virginia 25301

Dear Judge Johnston,

I am writing a character reference for a very close family friend and relative, Mr. Scott Ellis, co-owner of Tri-State Mine Service, Inc. It is my understanding that Scott is pleading guilty to Structuring charges relating to a kickback scheme with Mountain Laurel Coal Company.

I have had the pleasure of knowing Scott for more than 25 years. We are distant relatives and have been friends since we attended Logan High School together in the 1980's. I also have had the pleasure having his wife, Kim, as my best friend since high school. We have children that are very close in age, our two oldest are four months apart and are great friends themselves. We have practically raised our families together, spending lots of time at school events, sporting events and even vacations. Scott has been a very loving and devoted father to both of his daughters and has always worked very hard to provide for his family.

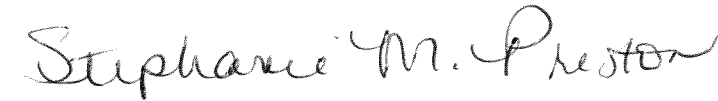
With our families being so close, I have witnessed firsthand Scott's commitment to his family and friends as well as his enormous generosity to the community. Scott has freely given countless donations to local organizations including but definitely not limited to our local fire department, city police, schools, churches as well as many needy families. He has always donated to youth sporting groups including my son's little league baseball teams and buddy league basketball teams each and every year. He has also contributed each year to my son's high school sports teams as well. Scott has also made numerous donations and contributions to our local cheerleading groups including our high school cheerleaders and their summer camps. I have seen Scott help his neighbors and elderly people in the community in need by personally assisting them with needed home repairs, cleaning ditches and removing falling trees. He has spent countless hours providing guidance to youth hunters on safe hunting practices and working on hunting equipment. He has instructed several teenage boys in his community on how to operate various outdoor equipment such as loaders, backhoes, lawnmowers and ATV's.

In my opinion, our community would suffer a great loss if Scott were to be sentenced to prison. He is in no way a danger to anyone. This is his first offense of any kind and I know personally that he and his family have truly suffered from the negative consequences of his admitted wrongdoing. I fear that Scott's absence would leave a tremendous burden on his family as well as leaving his wife and daughters exposed to possible harm as they live in a remote area with known drug dealers in the nearby community. Whatever wrong choices he made, he was only trying to provide the best life possible for his wife and daughters. If Scott were to be incarcerated, he would miss a very important time in his daughters' lives, their last years of high school as well as their graduations. These are once in a lifetime events that no parent ever wants to miss!

I would like to ask the court to have leniency on Scott when determining his sentence. I feel that Scott is already serving his sentence as he has lost his business, his income and his reputation. I believe that Scott is remorseful for what he has done.

Thank you, Judge Johnston, for reading my letter and thank you for your consideration. Scott is a good person and I humbly ask that you give him a second chance.

Warm regards,

A handwritten signature in black ink that reads "Stephanie M. Preston". The script is cursive and fluid, with the first letter of each name being capitalized and prominent.

Stephanie M. Preston

Billing Manager, Healthy Habits Wellness Center

To Whom it may concern.

Scott Ellis owner of Tri-State Mine Ser.

was one of the best boss/owner.

I have ever worked for. He never had a problem helping me out with anything.

He always gave me Christmas bonuses.

Thanksgiving baskets he has bought tires

for my car on multiple occasions.

He helped me get insurance on my

house and cars. He also gave me bonuses.

Cash advances put gas in my vehicles.

School clothes. Paid for Dentist appointments

he had Christmas parties for his employees

and their families. He let me buy a truck

from him on payments to get to work.

If I had to go to the mines late at night

to take parts he would also give me money.

He would always find a way to help

with whatever situation it may have been

working for Scott was the best job I ever

had. He is a really good person and friend.

Randall Nelson

503 2nd Ave Wagon

WO 25601 (304) 687-6579



Keith Alfrey  
PO Box 1021  
Mt Gay WV 25637

To the Sentencing Judge

Your Honor,

I have known Scott Ellis for over forty years and I know him to be a good man who is distressed by his current circumstances. He has always been a caring person and willing to help anyone in need.

Scott is a loving and attentive father who is involved in his two teenage daughters' lives. This is a crucial time in their lives as they become closer to graduating high school and as they prepare for college. This is when they need their father most .

I can remember almost 3 years ago when our small community was devastated by a terrible flood. Scott came and volunteered his time and equipment to help with the clean-up in our neighborhood. He not only helped my family but also the other residents in our neighborhood as well.

I understand the distressing circumstances that Scott faces. I have seen first hand how Scott sincerely regrets having made the wrong choices and the repercussions for his family and his career. My family and I will continue supporting Scott as all his family and friends do.

Sincerely,

Keith A Alfrey

A handwritten signature in cursive script that reads "Keith Alfrey". The signature is written in dark ink and is positioned below the printed name.

September 17, 2014

To Whom It May Concern:

During my seventy two year walk on this old earth, I have had the privilege of meeting and awesome number of people. They have varied in nationality, color, shape, and size. I don't know of any that I didn't like. Although each person was unique in their own way, all of them possessed the common trait of making mistakes.

Scott Ellis, has always been a blessing to me, and I definitely consider it a privilege to call him my nephew. As a young man, he exhibited the gift of "helps." He was and continues to be a giving person who stands ready to help family, friends, neighbors, and those less fortunate.

Scott possesses the unique ability of refurbishing damaged mining equipment. His keen understanding of metal and the principles of welding have provided customers with satisfying workmanship. Pleasing the customer has always been an Ellis priority. These traits along with a strong work ethic became known throughout the coal industry of southern West Virginia. Needless to say, a good livelihood was generated for his family.

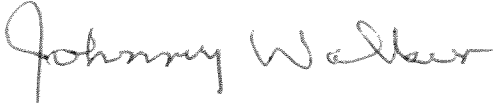
Scott's beautiful family is definitely the top priority of his life. If there was ever a reason to endure long hours and back breaking work, it has been to provide for two lovely daughters and a "one of a kind" wife.

"Feast and famine" has always been associated with the coal mining industry. When the market conditions are good, there is plenty of work available for everyone, including vendors. However, when coal markets decline, jobs are lost and competition amongst vendors becomes acute. Certain individuals, working for coal companies capable of enduring the poor conditions, use their positions to gain from the extreme hardship of vendors. These people require personal gifts of money and material things before a work order will be issued to a struggling company on the verge of bankruptcy.

In order to survive and provide for his family, Scott got caught up in this scenario. According to the law of West Virginia, he made a mistake and broke the law. It seems so unfair that Scott should have to be penalized. The company man is the perpetrator and should be the one who suffers the consequences.

When Scott was first married, he and several other family members including his wife, Kim, were sitting in my mother's living room. Looking at me and with complete sincerity in his voice, he said, "I want to be like you." That was definitely one of the greatest compliments of my life. Close to twenty years have come and gone since that special day. Although Scott has accomplished much, it is his love for family, friends, and his Lord and Savior, Jesus Christ, that allows me to feel comfortable in saying, "I would like to be like Scott Ellis."

Johnny Walker - Consulting Forester

A handwritten signature in cursive script that reads "Johnny Walker". The signature is written in a dark ink and is positioned above the printed contact information.

Walker Enterprises  
1734 Valley View Drive  
Big Stone Gap, VA 24219

July 16-2014

To Whom It May Concern,

In regards to Scott Ellis, please be advised that I have known this man most of my life. Of what he is accused, I have no knowledge. However, I can say this, if he looks you in the eye and gives me his word, I'd lay my life on it.

Scott is a man who loves his wife and daughters unconditionally. He will go out of his way to help a person in need, just ask some who were devastated during the last flood in Logan County.

As I said before, he is a man of his word and an outstanding father, as you can tell by looking at his daughters. Scott is never seen in the community drinking or doing anything one would consider "out of line."

Again, as a friend I can truly say he is a good man.

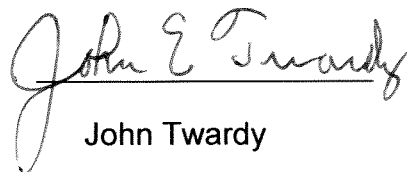
Respectfully

  
Fred Kozee II

August 20, 2014

To whom it may concern,

My name is John Twardy. I graduated from Gilbert High School in 1984. I worked at the Bank of Man for 12 years, I Now work at Ellis Supply in Accoville WV. I have been employed here for 16 years. I had a place in Logan called Thunder Blast which was a campground and a Fish Pond for kids. The pond was only for kids 5 years to 16 years old. It was all free. We have jumping jamboree, Mini golf, and drag racing for kids. We were able to do this by donations from local businesses. I met Scott Ellis about 5 years ago when he brought his kids up to the pond to fish. I could tell that he was a great dad by the way he was with the kids at the Fish Pond. I had never met him before that day. He became a sponsor of the fish pond. He donated loads of fish for the kids, had signs put to help fund the facility. He started doing business with Ellis Supply and I got to know his whole family. His wife Kim Ellis is a great person and Scott is a great person. I have become great friends with him and his whole family. I think is a great person and would do anything to help anyone. I have been around hundreds of family since I have worked at Ellis Supply. I think Scott is in the top 10 of a great family man. He really takes a lot of interest in his family. He spends a lot of time doing things with his family and I can tell that they enjoy doing things with him. I have never herd him raise his voice or I have never even seen him mad. I know that people act different around other people, but I have been around this family a lot in the past 5 years and the whole family is as good a people that you could ever want to be around. I wish I had 20 percent of my customers to be as friendly and nice as Scott and Kim are. They just make you feel like they are not just a customer, but they are your friend. Actually they make you feel like family. I don't know if my opinion matters but if you ask me about Scott Ellis, I don't think there is a better man around. There are a lot of good men out there, but he is in the top 10 in my book. If you have any questions or would like to ask me about Scott Ellis feel free to call me.

A handwritten signature in cursive script that reads "John E. Twardy". The signature is written in dark ink and is positioned above the printed name.

John Twardy

304-687-7781

28 September 2014

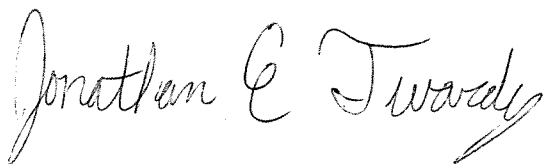
To the Presiding Judge:

I am writing this letter to vouch for the character of Mr. Scott Ellis, whom faces criminal sentencing before your court. My name is Jonathan Twardy, and I have known Scott for nearly five years now. I consider Mr. Ellis a friend and have nothing but good things to say about him. Scott has made mistakes in his time, but who hasn't. He is a family man with two children and a wife who care deeply about him. They are his support system, along with the community in which he lives, and the friends and family he possesses. As you can see, many people will be affected by the sentencing you rule upon Mr. Ellis. He is the kind of guy that one will stand beside in the good times, along with the bad.

Scott is a very humble man. He is the type that would give the shirt off of his own back in a time of need. I first met Scott when my father and myself were called to work on his pool during the summer months years ago, from there; I felt a friendship had begun. Scott is the definition of a man with good character. I have personally witnessed the way he supports the community through the use of his funds, such as donations to local non-profit organizations in the past. He has nothing but nice things to say about everything and everyone

I can also attest to the fact that Mr. Ellis will apply what he has learnt from this and will not make the same mistake again. I feel he has shown that he has remorse for his actions and wishes none of this had ever happened. I hope this letter will provide some influence upon the sentencing sanctions you will decide for my friend, Mr. Scott Ellis.

Sincerely,

A handwritten signature in cursive script that reads "Jonathan E Twardy". The signature is written in dark ink and is positioned above the printed name.

Jonathan Twardy

To Whom It may Concern:

I find it a privilege to write a letter describing the character of Scott Ellis.

Scott Ellis is a kind, caring, and giving person. One of the best neighbors we ever had in many years.

He took upon himself to send someone to put together a grill for me that had been on my porch for over a week. I had no one to help me, my dad usually did these things but had been ill. The man wouldn't let me pay him for doing it. How many people knew my situation and passed my house but didn't send or offer any help?

Also my son has battled addiction for many years but Mr Ellis always was kind and treated my son with kindness, compassion, & respect. Which means a lot to a mother & to someone who is already down on life.

I know none of us are perfect & we all make mistakes but this

Man has always worked very hard long hours and adores his wife & children. He told my son one time when he drove past his home fast that they were everything to him & wouldn't make it if something happened to one of them.

My prayer is that mercy be granted and Mr. Ellis be allowed to give back to society while being home and working to provide for his family & community.

Sincerely

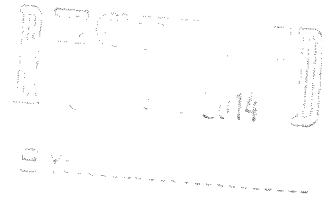
Lisa Simon  
181 Nighthawk Ave  
Lopamoo 25201



Honorable Thomas E. Johnston, Judge  
6610 Robert C. Byrd United States Courthouse  
300 Virginia Street East  
Charleston, WV 25301

September 22, 2014

Re: Character reference for Scott E. Ellis



The Honorable Judge,

I am writing in reference to Case # 2:14-CR-00111, which involves Scott E. Ellis, who is being sentenced.

I have known Scott for over ten years both personally and professionally. I believe that I am in a position to speak to Scott's moral character, so I hope you will take this letter into account when making your decision.

Scott Ellis is, in short, a good person. He has always been kind and generous with others. He has a strong sense of duty, which applies in his job, family, and community. He also possesses a great deal of integrity, and constantly strives to make sure he is doing the right thing.

I realize that given the circumstances he has made some bad decisions; however, I feel that he was only trying to ensure that he could financially provide for his family instead of taking a risk of his business failing. I have had many personal and business engagements with him and he has always been an honest and forthright businessman every time I have had the opportunity to do business with him.

It must be difficult for you to make decisions like this when you don't actually know the person standing in front of you, so I hope you will look at my letter and the countless others you are receiving, and understand that Scott is the kind of person around whom people rally. That has to say something, so please let that be a factor in your decision.

Thank you,

Willie S. Viars



**V**  
Ms. Willie Viars  
PO Box 520  
Whitman, WV 25652

Honorable Thomas E Johnston, Judge  
1610 Robert Byrd W. Courthouse  
300 Virginia Street East  
Charleston, W. Va 25301

**S** **E**





The Chesapeake and Ohio Railway, a unit of CSX Corporation, are the Chesapeake and Ohio Railroad, Baltimore and Ohio Railroad, and affiliated lines